

FILED

JUL - 7 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 *MARK A Cottonham* Plaintiff, CV
11 vs.
12 SUPERIOR COURT OF THE STATE OF
13 CALIFORNIA FOR THE CITY & COUNTY OF
14 SAN FRANCISCO Hall of Defendant.
15 *JUSTUS County JAIL*)

08

CASE NO.

3028 (PR)

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

16 I, MARK A Cottonham, declare, under penalty of perjury that I am the
17 plaintiff in the above entitled case and that the information I offer throughout this application
18 is true and correct. I offer this application in support of my request to proceed without being
19 required to prepay the full amount of fees, costs or give security. I state that because of my
20 poverty I am unable to pay the costs of this action or give security, and that I believe that I am
21 entitled to relief.

22 In support of this application, I provide the following information:

23 1. Are you presently employed? Yes No

24 If your answer is "yes," state both your gross and net salary or wages per month, and give the
25 name and address of your employer:

26 Gross: _____ Net: _____

27 Employer: _____

28 _____

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 _____
 5 _____
 6 _____

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

9 a. Business, Profession or Yes _____ No

10 self employment

11 b. Income from stocks, bonds, Yes _____ No

12 or royalties?

13 c. Rent payments? Yes _____ No

14 d. Pensions, annuities, or Yes _____ No

15 life insurance payments?

16 e. Federal or State welfare payments, Yes _____ No

17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 _____
 22 _____

23 3. Are you married? Yes _____ No

24 Spouse's Full Name: _____

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ 0 Net \$ 0

28 4. a. List amount you contribute to your spouse's support: \$ _____

5 _____
6 _____

7 | 5. Do you own or are you buying a home? Yes No

8 | Estimated Market Value: \$ 200 | Amount of Mortgage: \$ 100

9 6. Do you own an automobile? Yes No

10 Make _____ Year _____ Model _____

11 Is it financed? Yes _____ No _____ If so, Total due: \$ _____

12 Monthly Payment: \$ _____

13 7. Do you have a bank account? Yes No (Do not include account num.

14 Name(s) and address(es) of bank: _____

15 |

16 Present balance(s): \$ 0 /

18 Do you have any other assets? (If yes, provide a description of each asset and its estimated value.)

19 market value.) Yes No ✓

20

22 Rent of _____ = Clothing _____ =

24 Ch 1 - Aims and Objectives

Monthly Statement

6 11 6 11

28

1 9. Do you have any other debts? (List current obligations, indicating amounts and to
2 whom they are payable. Do not include account numbers.)

3 _____
4 _____
5 _____
6 _____

N/A

7 10. Does the complaint which you are seeking to file raise claims that have been presented
8 in other lawsuits? Yes No

9 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in
10 which they were filed.

11 _____
12 _____
13 _____
14 _____

15 I consent to prison officials withdrawing from my trust account and paying to the court
16 the initial partial filing fee and all installment payments required by the court.

17 I declare under the penalty of perjury that the foregoing is true and correct and
18 understand that a false statement herein may result in the dismissal of my claims.

19 6-21-08

20 DATE

21 M A J

22 SIGNATURE OF APPLICANT

23
24
25
26
27
28

11
530

PERSON IN STATE CUSTODY

150

530

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

1 Name COTTONHAM, MARK A (Initial) FILED JUN 18 2008

2 (Last) (First)

3 Prisoner Number 2326138 SF # 377495

4 Institutional Address 850 BRYANT ST. S.F. RICHARD W. WIEKING
NORTHERN DISTRICT COURT CLERK U.S. DISTRICT COURT
SAN FRANCISCO C.A 94103 HALL OF JUSTUS DISTRICT OF CALIFORNIA

5

6 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

7

8 COTTONHAM, MARK A

9 (Enter the full name of plaintiff in this action.)

CV 08

3028

Case No.
(To be provided by the clerk of court)

**PETITION FOR A WRIT
OF HABEAS CORPUS**

10 SUPERIOR COURT OF THE STATE
11 OF CALIFORNIA IN AND FOR THE
12 COUNTY OF SAN FRANCISCO
13 HALL OF JUSTUS COUNTY JAIL

14 (Enter the full name of respondent(s) or jailor in this action)

CV 08
3028
PR

Read Comments Carefully Before Filling In

17 **When and Where to File**

18 You should file in the Northern District if you were convicted and sentenced in one of these
19 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa,
20 San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in
21 this district if you are challenging the manner in which your sentence is being executed, such as loss of
22 good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

23 If you are challenging your conviction or sentence and you were not convicted and sentenced in
24 one of the above-named fifteen counties, your petition will likely be transferred to the United States
25 District Court for the district in which the state court that convicted and sentenced you is located. If
26 you are challenging the execution of your sentence and you are not in prison in one of these counties,
27 your petition will likely be transferred to the district court for the district that includes the institution
28 where you are confined. Habeas L.R. 2254-3(b).

08-3028 VRW

CV 08 3028

VRW
(PR)

U.S. District Court Northern California

ECF Registration Information Handout

The case you are participating in has been designated for this court's Electronic Case Filing (ECF) Program, pursuant to Civil Local Rule 5-4 and General Order 45. This means that you must (check off the boxes when done):

- 1) Serve** this ECF Registration Information Handout on **all** parties in the case along with the complaint, or for removals, the removal notice. DO NOT serve the efiler application form, just this handout.

Each attorney representing a party must also:

- 2) Register** to become an efiler by filling out the efiler application form. Follow ALL the instructions on the form carefully. If you are already registered in this district, do not register again, your registration is valid for life on all ECF cases in this district.
- 3) Email** (do not efile) the complaint and, for removals, the removal notice and all attachments, in PDF format within ten business days, following the instructions below. You do not need to wait for your registration to be completed to email the court.
- 4) Access** dockets and documents using **PACER** (Public Access to Court Electronic Records). If your firm already has a PACER account, please use that - it is not necessary to have an individual account. PACER registration is free. If you need to establish or check on an account, visit: <http://pacer.psc.uscourts.gov> or call **(800) 676-6856**.

BY SIGNING AND SUBMITTING TO THE COURT A REQUEST FOR AN ECF USER ID AND PASSWORD, YOU CONSENT TO ENTRY OF YOUR E-MAIL ADDRESS INTO THE COURT'S ELECTRONIC SERVICE REGISTRY FOR ELECTRONIC SERVICE ON YOU OF ALL E-FILED PAPERS, PURSUANT TO RULES 77 and 5(b)(2)(D) (eff. 12.1.01) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

All subsequent papers submitted by attorneys in this case shall be filed electronically. Unrepresented litigants must file and serve in paper form, unless prior leave to file electronically is obtained from the assigned judge.

ECF registration forms, interactive tutorials and complete instructions for efilng may be found on the ECF website: <http://ecf.cand.uscourts.gov>

Submitting Initiating Documents

PDF versions of all the Initiating documents originally submitted to the court (Complaint or Notice of Removal, exhibits, etc.) must be **emailed (not efiled)** to the **PDF email box for the presiding judge** (not the referring judge, if there is one) **within 10 (ten) business days** of the opening of your case. For a complete list of the email addresses, please go to: <http://ecf.cand.uscourts.gov> and click on **[Judges]**.

You must include the case number and judge's initials in the subject line of all relevant emails to the court. You do not need to wait for your registration to email these documents.

These documents must be emailed instead of e-filed to prevent duplicate entries in the ECF system. All other documents must be e-filed from then on. You do not need to efile or email the Civil Cover Sheet, Summons, or any documents issued by the court at case opening; note that you do need to efile the Summons Returned.

Converting Documents to PDF

Conversion of a word processing document to a PDF file is required before any documents may be submitted to the Court's electronic filing system. Instructions for creating PDF files can be found at the ECF web site: <http://ecf.cand.uscourts.gov>, and click on **[FAQ]**.

Email Guidelines: When sending an email to the court, the subject line of the email **must** contain the **case number, judge's initials** and the **type of document(s)** you are sending, and/or the topic of the email.

Examples: The examples below assume your case number is 03-09999 before the Honorable Charles R. Breyer:

| Type of Document | Email Subject Line Text |
|--|--------------------------------------|
| Complaint Only | 03-09999 CRB Complaint |
| Complaint and Notice of Related Case | 03-09999 CRB Complaint, Related Case |
| Complaint and Motion for Temporary Restraining Order | 03-09999 CRB Complaint, TRO |

Questions

Almost all questions can be answered in our **FAQs** at
<http://ecf.cand.uscourts.gov>, please check them first.

You may also email the ECF Help Desk at ECFhelpdesk@cand.uscourts.gov or
call the toll-free ECF Help Desk number at: (866) 638-7829.

The ECF Help Desk is staffed Mondays through Fridays from
9:00am to 4:00pm Pacific time, excluding court holidays.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL
FILED

UN 19 2008
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Sir or Madam:

Your petition has been filed as civil case number

CV 08

3028

A filing fee of \$5.00 is now due. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's In Forma Pauperis Application in its entirety. If the application is granted, you will not have to prepay the fee.

Your petition is deficient because you did not pay the filing fee and:

1. you did not file an In Forma Pauperis Application.

2. the In Forma Pauperis Application you submitted is insufficient because:

You did not use the correct form. You must submit this court's current Prisoner's In Forma Pauperis Application.

Your In Forma Pauperis Application was not completed in its entirety.

You did not sign your In Forma Pauperis Application.

You did not submit a Certificate of Funds in Prisoner's Account completed and signed by an authorized officer at the prison.

You did not attach a copy of your prisoner trust account statement showing transactions for the last six months.

Other

Enclosed you will find this court's current Prisoner's In Forma Pauperis Application, which includes a Certificate of Funds in Prisoner's Account form, and a return envelope for your convenience.

Warning: YOU MUST RESPOND TO THIS NOTICE. If you do not respond within THIRTY DAYS from the filing date stamped above, your action will be DISMISSED, the file closed and the entire filing fee will become due immediately. Filing a Prisoner's In Forma Pauperis Application will allow the court to determine whether prepayment of the filing fee should be waived.

Sincerely,
RICHARD W. WIEKING, Clerk,

By

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**INSTRUCTIONS FOR PRISONER'S
IN FORMA PAUPERIS APPLICATION**

You must submit to the court a completed Prisoner's In Forma Pauperis Application if you are unable to pay the entire filing fee at the time you file your complaint or petition. Your application must include copies of the prisoner trust account statement showing transactions for the last six months and a certificate of funds in prisoner's account, signed by an authorized officer of the institution.

A. Non-habeas Civil Actions

8 Effective April 9, 2006, the filing fee for any civil action other than a habeas is
9 \$350.00. Even if you are granted leave to proceed in forma pauperis, you must still pay the
full amount of the court's filing fee, but the fee will be paid in several installments. 28 U.S.C.
§ 1915.

11 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average
12 monthly deposits to your account for the 6-month period immediately before the complaint
13 was filed or (b) the average monthly balance in your account for the 6-month period
immediately before the complaint was filed. The court will use the information provided on
the certificate of funds and the trust account statement to determine the filing fee immediately
due and will send instructions to you and the prison trust account office for payment if in
forma pauperis status is granted.

15 After the initial partial filing fee is paid, your prison's trust account office will forward
16 to the court each month 20 percent of the most recent month's income to your prison trust
account, to the extent the account balance exceeds ten dollars (\$10.00). Monthly payments
will be required until the full filing fee is paid. If you have no funds over ten dollars (\$10.00)
in your account, you will not be required to pay part of the filing fee that month.

If your application to proceed in forma pauperis is granted, you will be liable for the full \$350.00 filing fee even if your civil action is dismissed. That means the court will continue to collect payments until the entire filing fee is paid. However, if you do not submit this completed application the action will be dismissed without prejudice and the filing fee will not be collected.

B. Habeas Actions

22 The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in
23 forma pauperis you will not be required to pay any portion of this fee. If you are not granted
leave to proceed in forma pauperis you must pay the fee in one payment and not in
installments. If you use a habeas form to file a non-habeas civil action, you will be
required to pay the \$350.00 filing fee applicable to all non-habeas civil actions.

